

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
DONALD EUGENE SMITH ) Case No: 5:93CR00017-002  
Date of Previous Judgment: 4/1/1997 ) USM No: 10365-058  
(Use Date of Last Amended Judgment if Applicable) ) Charles Morgan  
Defendant's Attorney )

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 324 months is reduced to 262 .

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 40 Amended Offense Level: 38  
Criminal History Category: II Criminal History Category: II  
Previous Guideline Range: 324 to 405 months Amended Guideline Range: 262 to 327 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

### III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 4/1/1997 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 20, 2010

Effective Date: October 20, 2010  
(if different from order date)

*Richard L. Voorhees*  
Richard L. Voorhees  
United States District Judge